

Notice of Allowability

Application No.

09/486,480

Applicant(s)

SPUDICH ET AL.

Examiner

Art Unit

S. Devi, Ph.D.

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/11/04.
2. ☒ The allowed claim(s) ~~is/are~~ 13, 71-76, 81 and 82, renumbered as claims 1, 2-7, 8 and 9 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>82701</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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ATTACHMENT TO NOTICE OF ALLOWABILITY

Applicants' After-final Amendment

- 1) Acknowledgment is made of Applicants' amendment filed 02/11/04 in response to the non-final Office Action mailed 12/29/03.

Examiner's Amendment

- 2) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The authorization for this Examiner's amendment was provided by Ms. Maha Hamdan in a telephone interview on 24 February 2004:

This application has been amended as indicated below:

The limitation 'hentonite' in line 2 of claim 81 is replaced with the limitation --bentonite-- as supported at line 14 on page 7 of the specification.

Status of Claims

- 3) Claims 1-12, 56-70, 77-80 and 83-91 have been canceled via the amendment filed 02/11/04. Claim 75 has been amended via the amendment filed 02/11/04. Claims 13, 71-76, 81 and 82 are pending and are under examination.

Objection(s) Moot

- 4) The objection to claim 65 made in paragraph 10 of the Office Action mailed 12/29/03 is moot in light of Applicants' cancellation of the claim.

Objection(s) Withdrawn

- 5) The objection to claim 81 made in paragraph 10 of the Office Action mailed 12/29/03 to for the misspelled words: 'montmorilonite' and 'hentonite' is withdrawn in light of Applicants' amendment and the instant Examiner's amendment.

Rejection(s) Moot

- 6) The rejection of claims 1-12, 56-70, 77 and 83-91 made in paragraph 7 of the office Action mailed 12/29/03 under 35 U.S.C. § 112, first paragraph, as containing new matter, is moot in light of Applicants' cancellation of the claims.

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- 7) The rejection of claims 1-12, 56-70, 77 and 83-91 made in paragraph 8 of the office Action mailed 12/29/03 under 35 U.S.C. § 112, first paragraph, as containing inadequate written description, is moot in light of Applicants' cancellation of the claims.
- 8) The rejection of claims 1-12, 56-70, 77 and 83-91 made in paragraph 9 of the office Action mailed 12/29/03 under 35 U.S.C. § 112, second paragraph, as being indefinite, is moot in light of Applicants' cancellation of the claims.

Rejection(s) Withdrawn

- 9) The rejection of claims 75 and 76 made in paragraph 9 of the office Action mailed 12/29/03 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicants' amendment to the base claim.
- 10) The rejection of claim 81 made in paragraph 9 of the office Action mailed 12/29/03 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn.

Remarks

- 11) Claims 13, 71-76, 81 and 82, now renumbered as claims 1, 2-7, 8 and 9 respectively, are allowed.
- 12) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform with the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The RightFax number for submission of before-final amendments is (703) 872-9306. The RightFax number for submission of after-final amendments is (703) 872-9307.
- 13) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.